

HB4092



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4092

by Rep. Kathleen Willis

SYNOPSIS AS INTRODUCED:

5 ILCS 312/3-103

from Ch. 102, par. 203-103

Amends the Illinois Notary Public Act. Provides that failure to follow certain procedures set forth in this Act shall result in a fine of \$2,000 (currently, \$1,000).

LRB099 03965 JLK 23982 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Notary Public Act is amended by
5 changing Section 3-103 as follows:

6 (5 ILCS 312/3-103) (from Ch. 102, par. 203-103)
7 Sec. 3-103. Notice.

8 (a) Every notary public who is not an attorney or an
9 accredited immigration representative who advertises the
10 services of a notary public in a language other than English,
11 whether by radio, television, signs, pamphlets, newspapers, or
12 other written communication, with the exception of a single
13 desk plaque, shall include in the document, advertisement,
14 stationery, letterhead, business card, or other comparable
15 written material the following: notice in English and the
16 language in which the written communication appears. This
17 notice shall be of a conspicuous size, if in writing, and shall
18 state: "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN
19 ILLINOIS AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL
20 ADVICE". If such advertisement is by radio or television, the
21 statement may be modified but must include substantially the
22 same message.

23 A notary public shall not, in any document, advertisement,

1 stationery, letterhead, business card, or other comparable
2 written material describing the role of the notary public,
3 literally translate from English into another language terms or
4 titles including, but not limited to, notary public, notary,
5 licensed, attorney, lawyer, or any other term that implies the
6 person is an attorney. To illustrate, the word "notario" is
7 prohibited under this provision.

8 Failure to follow the procedures in this Section shall
9 result in a fine of \$2,000 ~~\$1,000~~ for each written violation.
10 The second violation shall result in suspension of notary
11 authorization. The third violation shall result in permanent
12 revocation of the commission of notary public. Violations shall
13 not preempt or preclude additional appropriate civil or
14 criminal penalties.

15 (b) All notaries public required to comply with the
16 provisions of subsection (a) shall prominently post at their
17 place of business as recorded with the Secretary of State
18 pursuant to Section 2-102 of this Act a schedule of fees
19 established by law which a notary public may charge. The fee
20 schedule shall be written in English and in the non-English
21 language in which notary services were solicited and shall
22 contain the disavowal of legal representation required above in
23 subsection (a), unless such notice of disavowal is already
24 prominently posted.

25 (c) No notary public, agency or any other person who is not
26 an attorney shall represent, hold themselves out or advertise

1 that they are experts on immigration matters or provide any
2 other assistance that requires legal analysis, legal judgment,
3 or interpretation of the law unless they are a designated
4 entity as defined pursuant to Section 245a.1 of Part 245a of
5 the Code of Federal Regulations (8 CFR 245a.1) or an entity
6 accredited by the Board of Immigration Appeals.

7 (d) Any person who aids, abets or otherwise induces another
8 person to give false information concerning immigration status
9 shall be guilty of a Class A misdemeanor for a first offense
10 and a Class 3 felony for a second or subsequent offense
11 committed within 5 years of a previous conviction for the same
12 offense.

13 Any notary public who violates the provisions of this
14 Section shall be guilty of official misconduct and subject to
15 fine or imprisonment.

16 Nothing in this Section shall preclude any consumer of
17 notary public services from pursuing other civil remedies
18 available under the law.

19 (e) No notary public who is not an attorney or an
20 accredited representative shall accept payment in exchange for
21 providing legal advice or any other assistance that requires
22 legal analysis, legal judgment, or interpretation of the law.

23 (f) Violation of subsection (e) is a business offense
24 punishable by a fine of 3 times the amount received for
25 services, or \$1,001 minimum, and restitution of the amount paid
26 to the consumer. Nothing in this Section shall be construed to

1 preempt nor preclude additional appropriate civil remedies or
2 criminal charges available under law.

3 (g) If a notary public of this State is convicted of 2 or
4 more business offenses involving a violation of this Act within
5 a 12-month period while commissioned, or of 3 or more business
6 offenses involving a violation of this Act within a 5-year
7 period regardless of being commissioned, the Secretary shall
8 automatically revoke the notary public commission of that
9 person on the date that the person's most recent business
10 offense conviction is entered as a final judgment.

11 (Source: P.A. 93-1001, eff. 8-23-04.)